

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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John J. Miller,

Civil No. 13-cv-2586 (ADM/TNL)

Petitioner,

v.

**ORDER**

United States of America,

Respondent.

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John J. Miller, #09396-089, Federal Medical Center- Rochester, Post Office Box 4000,  
Rochester, MN 55903 (Petitioner, pro-se ); and

Gregory G. Brooker, Pamela Marentette, Office of the United States Attorney, 300 South Fourth  
Street, Suite 600, Minneapolis, MN 55415 (for Respondent).

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Based upon the Report and Recommendation by United States Magistrate Judge Tony N.  
Leung dated April 9, 2014 (Docket No.19), along with all the files and records, and no objections  
to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Respondent's Motion to dismiss (Docket No. 15) is **GRANTED**;
2. Petitioner's pending motions (Docket Nos. 2 and 6) are **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: May 16th, 2014

s/Ann D. Montgomery

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The Honorable Ann D. Montgomery  
United States District Court Judge  
for the District of Minnesota